

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1152

Introduced by Assembly Members Chesbro and Cook

February 18, 2011

An act to amend Sections ~~10933 and 10933.7~~ 10932 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1152, as amended, Chesbro. Groundwater.

Existing law authorizes specified entities to assume responsibility for monitoring and reporting groundwater elevations in all or a part of a groundwater basin or subbasin. Existing law requires an entity seeking to assume those functions to notify the Department of Water Resources, and requires the department to determine which entities will perform monitoring functions. Existing law requires monitoring entities to commence monitoring and reporting groundwater elevations on or before January 1, 2012.

This bill would authorize a monitoring entity to report groundwater elevations using specified alternate monitoring techniques for certain groundwater basins and subbasins meeting prescribed conditions. The bill would condition this authorization upon submission of a report to the department and a determination by the department that the monitoring entity may use the alternate monitoring techniques. The bill would require a monitoring entity, every 3 years, to submit to the department information establishing its continued eligibility to use the alternate monitoring techniques.

~~(1) Existing law requires the Department of Water Resources to identify the extent of monitoring of groundwater elevations that is being~~

undertaken within each basin or subbasin. If the department determines that all or a part of a basin or subbasin is not being monitored, the department is required to attempt to contact all well owners within the area not being monitored and determine if there is an interest in establishing a specified groundwater management plan, integrated regional water management plan, or voluntary groundwater monitoring association.

This bill would instead require the department to contact, for those purposes, all well owners within the unmonitored part of the groundwater basin or subbasin, and the county or counties and other specified entities overlying the unmonitored part of the groundwater basin or subbasin.

(2) Existing law provides that, if the department is required to perform groundwater monitoring functions for portions of a basin or subbasin after contacting all well owners within the area not being monitored, then the county and other specified entities that are authorized to assume responsibility for groundwater monitoring are not eligible for a water grant or loan awarded or administered by the state, with a specified exception.

This bill would, instead, make the county and other specified entities that are contacted by the department ineligible for a water grant or loan awarded or administered by the state, if that county or other entity declines to assume responsibility for monitoring and reporting groundwater elevations in all or a portion of the unmonitored part of the basin or subbasin.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10932 of the Water Code is amended to
- 2 read:
- 3 10932. (a) Monitoring entities shall commence monitoring
- 4 and reporting groundwater elevations pursuant to this part on or
- 5 before January 1, 2012.
- 6 (b) For purposes of reporting groundwater elevations pursuant
- 7 to this part, and subject to subdivision (c), a monitoring entity may
- 8 use alternate monitoring techniques for a basin or subbasin,
- 9 instead of monitoring groundwater elevations directly through

1 monitoring wells, if the basin or subbasin meets any of the
2 following conditions:

3 (1) Groundwater elevations are unaffected by land use activities
4 or planned land use activities, or naturally occurring total
5 dissolved solids within the groundwater preclude the use of that
6 water.

7 (2) It is underlying land that is wholly owned or controlled,
8 individually or collectively, by state, tribal, or federal authorities,
9 and groundwater monitoring information is not available.

10 (3) It is underlying an area where geographic or geologic
11 features make monitoring impracticable, including, but not limited
12 to, a basin or subbasin that is inaccessible to well-drilling
13 equipment.

14 (c) Before using an alternate monitoring technique pursuant to
15 subdivision (b), a monitoring entity shall submit to the department
16 a report, signed by a professional geologist registered pursuant
17 to Section 7850 of the Business and Professions Code, setting forth
18 the factual basis and supporting documentation demonstrating
19 that the basin or subbasin meets any of the conditions set forth in
20 subdivision (b). Upon receiving the report, the department shall
21 determine, in its discretion, whether the monitoring entity may use
22 an alternate monitoring technique, and the alternate monitoring
23 techniques that may be used, for the basin or subbasin. For a basin
24 or subbasin that the department has determined is eligible to use
25 an alternate monitoring technique, the department shall determine
26 whether information provided by the monitoring entity using the
27 alternate monitoring technique is sufficient to comply with the
28 monitoring and reporting requirements of subdivision (a).

29 (d) (1) Within 60 days of finding that a basin or subbasin no
30 longer meets any of the conditions set forth in subdivision (b), the
31 monitoring entity shall report that finding to the department. Not
32 later than 12 months after providing that report, the monitoring
33 entity shall commence monitoring and reporting groundwater
34 elevations using monitoring wells.

35 (2) A failure to comply with the report requirements of
36 paragraph (1) shall constitute noncompliance with the monitoring
37 and reporting requirements of subdivision (a).

38 (e) Every three years following an initial determination by the
39 department pursuant to subdivision (c), a monitoring entity shall
40 submit sufficient information, as may be determined by the

1 department, establishing its continued eligibility to use alternate
2 monitoring techniques in accordance with this section.

3 (f) A determination by the department pursuant to this section
4 shall be final and conclusive.

5 (g) For purposes of this section, an “alternate monitoring
6 technique” may include, but is not limited to, one or more of the
7 following, as the department may determine to be appropriate:

8 (1) Hydrologic records for the basin or subbasin.

9 (2) Well permits or similar reports from within the area
10 overlying the basin or subbasin.

11 (3) Aerial photographs.

12 (4) Remote sensing data.

13 ~~SECTION 1. Section 10933 of the Water Code is amended to~~
14 ~~read:~~

15 ~~10933. (a) On or before January 1, 2012, the department shall~~
16 ~~commence to identify the extent of monitoring of groundwater~~
17 ~~elevations that is being undertaken within each basin and subbasin.~~

18 ~~(b) The department shall prioritize groundwater basins and~~
19 ~~subbasins for the purpose of implementing this section. In~~
20 ~~prioritizing the basins and subbasins, the department shall, to the~~
21 ~~extent data are available, consider all of the following:~~

22 ~~(1) The population overlying the basin or subbasin.~~

23 ~~(2) The rate of current and projected growth of the population~~
24 ~~overlying the basin or subbasin.~~

25 ~~(3) The number of public supply wells that draw from the basin~~
26 ~~or subbasin.~~

27 ~~(4) The total number of wells that draw from the basin or~~
28 ~~subbasin.~~

29 ~~(5) The irrigated acreage overlying the basin or subbasin.~~

30 ~~(6) The degree to which persons overlying the basin or subbasin~~
31 ~~rely on groundwater as their primary source of water.~~

32 ~~(7) Any documented impacts on the groundwater within the~~
33 ~~basin or subbasin, including overdraft, subsidence, saline intrusion,~~
34 ~~and other water quality degradation.~~

35 ~~(8) Any other information determined to be relevant by the~~
36 ~~department.~~

37 ~~(c) If the department determines that all or part of a basin or~~
38 ~~subbasin is not being monitored pursuant to this part, the~~
39 ~~department shall do all of the following:~~

40 ~~(1) Attempt to contact all of the following:~~

1 ~~(A) All well owners within the unmonitored part of the basin~~
2 ~~or subbasin.~~

3 ~~(B) The county or counties overlying the unmonitored part of~~
4 ~~the basin or subbasin.~~

5 ~~(C) All entities described in subdivisions (a) to (d), inclusive,~~
6 ~~of Section 10927, that are overlying the unmonitored part of the~~
7 ~~basin or subbasin.~~

8 ~~(2) Determine if there is an interest in establishing any of the~~
9 ~~following:~~

10 ~~(A) A groundwater management plan pursuant to Part 2.75~~
11 ~~(commencing with Section 10750).~~

12 ~~(B) An integrated regional water management plan pursuant to~~
13 ~~Part 2.2 (commencing with Section 10530) that includes a~~
14 ~~groundwater management component that complies with the~~
15 ~~requirements of Section 10753.7.~~

16 ~~(C) A voluntary groundwater monitoring association pursuant~~
17 ~~to Section 10935.~~

18 ~~(d) If the department determines that there is sufficient interest~~
19 ~~in establishing a plan or association described in paragraph (2) of~~
20 ~~subdivision (c), or if the county agrees to perform the groundwater~~
21 ~~monitoring functions in accordance with this part, the department~~
22 ~~shall work cooperatively with the interested parties to comply with~~
23 ~~the requirements of this part within two years.~~

24 ~~(e) If the department determines, with regard to a basin or~~
25 ~~subbasin, that there is insufficient interest in establishing a plan~~
26 ~~or association described in paragraph (2) of subdivision (c), and~~
27 ~~if the county decides not to perform the groundwater monitoring~~
28 ~~and reporting functions of this part, the department shall do all of~~
29 ~~the following:~~

30 ~~(1) Identify any existing monitoring wells that overlie the basin~~
31 ~~or subbasin that are owned or operated by the department or any~~
32 ~~other state or federal agency.~~

33 ~~(2) Determine whether the monitoring wells identified pursuant~~
34 ~~to paragraph (1) provide sufficient information to demonstrate~~
35 ~~seasonal and long-term trends in groundwater elevations.~~

36 ~~(3) If the department determines that the monitoring wells~~
37 ~~identified pursuant to paragraph (1) provide sufficient information~~
38 ~~to demonstrate seasonal and long-term trends in groundwater~~
39 ~~elevations, the department shall not perform groundwater~~
40 ~~monitoring functions pursuant to Section 10933.5.~~

1 ~~(4) If the department determines that the monitoring wells~~
2 ~~identified pursuant to paragraph (1) provide insufficient~~
3 ~~information to demonstrate seasonal and long-term trends in~~
4 ~~groundwater elevations, and the State Mining and Geology Board~~
5 ~~concurs with that determination, the department shall perform~~
6 ~~groundwater monitoring functions pursuant to Section 10933.5.~~

7 ~~SEC. 2. Section 10933.7 of the Water Code is amended to read:~~

8 ~~10933.7. (a) If the department is required to perform~~
9 ~~groundwater monitoring functions pursuant to Section 10933.5,~~
10 ~~the county, and any other entity contacted by the department~~
11 ~~pursuant to paragraph (1) of subdivision (c) of Section 10933, that~~
12 ~~declines to assume responsibility for monitoring and reporting~~
13 ~~groundwater elevations in all or a portion of the unmonitored part~~
14 ~~of a basin or subbasin shall not be eligible for a water grant or loan~~
15 ~~awarded or administered by the state.~~

16 ~~(b) Notwithstanding subdivision (a), the department shall~~
17 ~~determine that an entity described in subdivision (a) is eligible for~~
18 ~~a water grant or loan under the circumstances described in~~
19 ~~subdivision (a) if the entity has submitted to the department for~~
20 ~~approval documentation demonstrating that its entire service area~~
21 ~~qualifies as a disadvantaged community.~~